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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

W.P.(O) NO. 3804 OF 2006

PETITIONER — Lala Ram Nirmalkar S/o Parsuram aged about 43 years, Occupation – Kotwar, R/o Village Lawatara, Tahsil Berla, District Durg (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through the Secretary, Department of Revenue, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector, District Durg (C.G.)
3. The Sub Divisional Officer, Bemetara, Distt. Durg (C.G.)
4. The Tahsildar Tahsil Berla, District Durg (C.G.)

Present: Shri F.S. Khare, learned counsel for the petitioner.
Shri Yashwant Singh, learned Govt. Adv. for the State.

ORAL ORDER
(Passed on 26th July, 2006)

The petitioner has preferred this writ petition complaining that respondent No. 3 and 4 are not deciding the application of the petitioner for grant of Bhoomiswami right.

(2) The case of the petitioner is that the petitioner was appointed as a Kotwar by the then Malgujar. The land bearing Khasra Nos. 268, 278, 503, 566, 1434, 1703, 1512, 1751 and 2214 total area 6.02 acres situate at village Lawatara, District Durg was given to him. The case of the petitioner is that the lands in question were held by him prior to abolition of Proprietary (Estate, Mahal and Alienated land) Rights Act 1950 (for short "the Act"), and as per the said Act the ancestors of the petitioner had Bhoomiswami rights over the subject lands on the land and the

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those lands have been in continuous possession of the petitioner and therefore, he, being a Kotwar, is entitled to Bhoomiswami rights.

(3) Learned counsel for the petitioner submitted that the respondents No. 3 & 4 be directed to decide the application of the petitioner for grant of Bhoomiswami rights over the subject lands. Learned Government Advocate has no objection to issue such direction.

(4) Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petition is allowed and the petitioner is permitted to make a detailed representation to the respondent No. 3 within a period of one month raising all his grievances. The respondent No. 3 shall then decide the representation of the petitioner regarding grant of Bhoomiswami right within a period of three months from the date of receipt of the representation after considering all the points raised by the petitioner, in accordance with law. No costs.

Sd/-
Chief Justice

Kamle